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August 6, 2007

**VIA FACSIMILE**  
**(212) 805-6304**

The Honorable Paul A. Crotty  
United States District Judge  
United States District Court, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 735  
New York, New York 10007

**Re: Frattin et al. v. West 44th Street Restaurant, LLC, et al**  
**Civil Action No.: 07-cv-03383 (PAC)**

Dear Judge Crotty:

I represent Plaintiffs in the above captioned matter. Both parties consent to the relief requested below.

We recently received a request from Your Honor's law clerk requesting that we submit a proposed case management plan in the near future. However, during the past several weeks, defense counsel and I have been engaged in settlement discussions and exchange of document pursuant thereto. We believe it is likely that we will reach an expedient resolution, and we will avoid the need for extensive discovery and/or motion practice. Accordingly, we respectfully request the Court's permission to wait until September 5, 2007, at which point we will either (a) inform the court that we have reached a resolution in principle or (b) submit a proposed case management plan.

Respectfully submitted,

JOSEPH &amp; HERZFELD LLP

By: 

D. Maimon Kirschenbaum (DK-2338)

cc: Felice Eckelman, Esq.